IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1332 of 1997

Between:

1 Burla Subbareddy S/o Late. Burla Venkata Rami Reddy
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.
2Dasari Subbaiah S/o Late. Dasari Venkaiah
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.
3 Adimulam Venkata Subbaiah S/o Late. Venkaiah
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.
4 Kunkala Subbareddy S/o Late.Kunkala Venkatareddy
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.
5 Devarkonda Sankaraiah S/o Late. Bondaiah
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.
6 Kunam Peda Venkata Subba Reddy s/o Sesha Reddy
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.
7 Ghali Ramana Rao S/o Lte. Ghali Narasimhaiah
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.
8 Veaka Koti Reddy S/o Vaka Yellamanda Reddy
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.
9 Lingareddy Subba Rami Reddy S/o Late. Venkata Subba Reddy,R/o Karedu Village , Ulavapadu Mandal , Prakasham District.
10 Vemula Veera Raghavulu S/o Vemula Sree Ramulu
R/o Karedu Village , Ulavapadu Mandal ,
Prakasham District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by the Secretary, Irrigation Department Secretariat , Hyderabad, A.P.
2 Chief Engineer Irrigation
Erramanzil , Hyderabad.
3 District Collector
Ongole Prakasham District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a any suitable writ or directions, particularly in the nature of writ of Mandamus directing the Respondents herein to so redesign the Ralapadu Reservoir Stage-II during its reconstruction now undertaken as to provide a separate sluice through which water can be diverted dowstream into the Manneru River at any point of time, instead of waiting for the water to surplus, so as to give timely and accustomed supply of water from the River Manneru to meet the full needs of the Petitioners and other registered Aayacutdars similarly situated under the Karedu Village tank for their agricultural needs in the manner they were enjoying the last more than 300 years drawing water at the anicut across River Manneru or in the alternative the Hon'ble Court may be pleased to direct the Respondents herein to work out a schedule of release of water into the River Manneru so as to enable the Petitioners to draw their accustomed and periodical supplies of water in the manner in which they were entitled to, all along without any diminution in the said supply and thus protect the livelihood of the Petitioners.

Counsel for the Petitioner:MR.BOMMINAYUNI APPARAO

Counsel for the Respondent No.1 and 2: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

-

-

-

ORDER:

The writ petitioners filed the present writ petition for issuance of writ of mandamus directing the respondents herein to redesign the Rallapadu Reservior Stage-II during its reconstruction now undertaken as to provide a separate sluice through which water can be diverted downstream into the Manneru River at any point of time, instead of waiting for the water to surplus, so as to give timely and accustomed supply of water from the River Manneru to meet the full needs of the petitioners and other registered Aayacutdars similarly situated under the Karedu Village Tank for their agricultural needs in the manner they were enjoying for the last more than 300 years drawing water at the anicut across River Manneru, or in the alternative, and to direct the respondents herein to work out a schedule of release of water into the River Manneru so as to enable the petitioners to draw their accustomed and periodical supplies of water in the manner in which they were entitled to, all along, without any diminution in the said supply and thus protect the livelihood of the petitioners or pass other suitable orders.

Several details had been narrated in the affidavit in support of the writ petition.

Counter affidavit had been filed by the respondents denying the allegations. As can be seen from the affidavit and the counter affidavit, and the allegations made therein, these are of matters relating to facts which cannot be decided by Writ Court. Hence, the writ petitioners are given liberty to make appropriate representations to respondents 2 and 3 in this regard within a period of four weeks from the date of receipt of a copy of order and the respondents 2 and 3 to consider the same and dispose of the said representations in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

20-12-2004

Stp

To

1 The Secretary,Government of Andhra Pradesh, Irrigation Department,Secretariat , Hyderabad .
2 Chief Engineer Irrigation
Erramanzil , Hyderabad.
3 District Collector
Ongole Prakasham District.

4.2CCs to G.P. for Irrigation, A.P.High Court Building,Hyd.(OUT).

2.2CD copies